

107TH CONGRESS
1ST SESSION

H. R. 2830

To restore the eligibility to vote and register to vote in Federal elections to individuals who have completed sentences for criminal offenses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2001

Ms. WATERS introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To restore the eligibility to vote and register to vote in Federal elections to individuals who have completed sentences for criminal offenses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Voting Restoration
5 Act”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

1 (1) The right to vote is guaranteed in the
2 United States Constitution for all citizens. The right
3 to vote in all governmental elections shall not be
4 abridged or denied on the basis of race, sex, color,
5 or previous conditions of servitude. Congress has ul-
6 timate supervisory power over Federal elections, and
7 this authority has been upheld by the United States
8 Supreme Court on numerous occasions.

9 (2) There is no uniform eligibility standard for
10 participating in Federal elections. Different States
11 have different rules regarding the voting eligibility of
12 ex-felons. While 48 States and the District of Co-
13 lumbia prohibit the voting participation of inmates
14 while serving their sentences, 13 States disenfran-
15 chise some or all ex-offenders who have completed
16 their sentences. Even in States that allow ex-offend-
17 ers to vote, the process by which they regain that
18 right makes it difficult for them to vote again. For
19 example, in 8 States, a pardon or order from the
20 Governor is required. In 2 States, the parole or par-
21 don board must act. In addition, in 16 States Fed-
22 eral offenders are not able to regain their right to
23 vote via the State procedure. Instead, those offend-
24 ers must obtain a Presidential pardon.

1 (3) An estimated 3,900,000 Americans, or ap-
2 proximately 2 percent of the adult population, cur-
3 rently are ineligible to vote as a result of felony con-
4 viction. Three-fourths of the disqualified voters are
5 on probation or parole, or are ex-offenders.

6 (4) In recent years, the number of incarcerated
7 individuals has grown exponentially, due in part to
8 onerous drug policies enacted by this body. Current
9 studies point to the fact that 1 in 4 prison inmates
10 in 1998 was incarcerated for a drug offense (com-
11 pared to 1 in 10 in 1983), and that drug offenders
12 constituted 58 percent of 1998 Federal prison in-
13 mates in 1998. The harsh drug laws are not just af-
14 fecting our men; more than one-third of the women
15 in prison are incarcerated for a drug offense. Over-
16 whelmingly, these drug offenses are nonviolent.
17 Moreover, the racially disparate sentencing laws re-
18 garding crack and powder cocaine have resulted in
19 African-Americans being 31 percent of those con-
20 victed for Federal drug charges, even though they
21 are only 12 percent of the United States population
22 and 15 percent of drug users.

23 (5) Minorities are disproportionately impacted
24 by laws that remove a felon or ex-felon's right to
25 vote. Currently 1,400,000, or 13 percent, of African-

1 American men are barred from participating in Fed-
2 eral elections as a result of a felony conviction.

3 (6) Congress should address these discrepancies
4 and the impact they are having on minority commu-
5 nities. All Americans should be afforded the right to
6 vote in Federal election, under basic principles of
7 fundamental fairness and equal protection.

8 (b) PURPOSE.—It is the purpose of this Act to re-
9 store the eligibility to vote and register to vote in Federal
10 elections to individuals who have completed sentences for
11 criminal offenses and promote the participation of such
12 individuals in the civic life of their communities.

13 **SEC. 3. PROTECTION OF RIGHT TO VOTE AND REGISTER TO**
14 **VOTE IN FEDERAL ELECTIONS.**

15 (a) IN GENERAL.—The right of any individual to vote
16 in an election for Federal office or to register to vote in
17 such an election may not be denied or abridged on the
18 grounds that the individual has been convicted of a felony,
19 except that a State may restrict the right of such an indi-
20 vidual to vote or register to vote in such an election during
21 any period in which the individual remains under the cus-
22 tody or supervision of the State or local jurisdiction (in-
23 cluding supervision through parole or probation).

24 (b) ENFORCEMENT.—

25 (1) PRIVATE RIGHT OF ACTION.—

1 (A) DECLARATORY OR INJUNCTIVE RE-
2 LIEF.—(i) A person who is aggrieved by a viola-
3 tion of this Act may provide written notice of
4 the violation to the chief election official of the
5 State involved.

6 (ii) If the violation is not corrected within
7 90 days after receipt of a notice under clause
8 (i), or within 20 days after receipt of the notice
9 if the violation occurred during the 120-day pe-
10 riod which ends on the date of an election for
11 Federal office, the aggrieved person may bring
12 a civil action in an appropriate district court for
13 declaratory or injunctive relief with respect to
14 the violation.

15 (iii) If the violation occurred during the
16 30-day period which ends on the date of an
17 election for Federal office, the aggrieved person
18 shall not be required to provide notice to the
19 chief election official under clause (i) as a con-
20 dition of bringing a civil action under clause
21 (ii).

22 (B) COMPENSATORY DAMAGES.—If a viola-
23 tion of this Act occurs during the 3-day period
24 which ends on the date of an election for Fed-
25 eral office, a civil action brought under sub-

1 paragraph (A)(ii) may include a request for
2 compensatory damages with respect to the vio-
3 lation.

4 (2) ACTION BY ATTORNEY GENERAL.—The At-
5 torney General may bring a civil action in an appro-
6 priate district court for such declaratory or injunc-
7 tive relief as may be necessary to remedy a violation
8 of this Act.

9 **SEC. 4. GRANT PROGRAM TO ASSIST STATES IN PRO-**
10 **TECTING RIGHTS OF EX-FELONS TO VOTE**
11 **AND REGISTER TO VOTE IN FEDERAL ELEC-**
12 **TIONS.**

13 (a) ESTABLISHMENT OF PROGRAM.—

14 (1) IN GENERAL.—There is hereby established
15 a program under which the Attorney General shall
16 award grants to eligible States during each of the
17 first 5 fiscal years which begin after the date of the
18 enactment of this Act to carry out a program to pro-
19 tect the rights of individuals who have been con-
20 victed of felonies to vote and register to vote in elec-
21 tions for Federal office in the State by—

22 (A) providing information to individuals
23 convicted of felonies regarding their eligibility
24 (or lack thereof) to register to vote and vote in

1 the State (in accordance with the requirements
2 of subsection (b)); and

3 (B) carrying out a program to increase
4 voter registration rates among such individuals
5 (in accordance with the requirements of sub-
6 section (c)).

7 (2) ELIGIBILITY REQUIREMENTS.—A State is
8 eligible to receive a grant under the program under
9 this section if it submits to the Attorney General (at
10 such time and in such form as the Attorney General
11 may require) an application containing—

12 (A) information and assurances that the
13 State will carry out the program described in
14 paragraph (1); and

15 (B) such other information and assurances
16 as the Attorney General may require.

17 (3) AMOUNT OF GRANT.—The amount of a
18 grant awarded to a State under this section for a
19 fiscal year shall be equal to the product of—

20 (A) the total amount appropriated for the
21 year for grants under this section; and

22 (B) the amount (expressed as a percent-
23 age) equal to—

24 (i) the number of individuals residing
25 in the State who have been convicted of

felonies (based on the most recent information available); and

(ii) the total number of such individuals residing in all States eligible to receive a grant under this section for the year (based on the most recent information available).

(b) PROGRAM TO PROVIDE INFORMATION TO FELONS REGARDING VOTER REGISTRATION AND VOTING RIGHTS AND STATUS.—

(1) REQUIREMENTS OF PROGRAM.—Each State receiving a grant under the program under this Act shall provide information to individuals convicted of felonies by the State (or local jurisdictions in the State) regarding their eligibility (or lack thereof) to register to vote and vote in the State through a program which meets the following requirements:

(A) The program shall include the establishment and maintenance of an index of individuals convicted of felonies by the State (or local jurisdictions in the State) who are under the custody or supervision of the State or local jurisdiction (including supervision through parole or probation), or who were released from the custody or supervision of the State or local

1 jurisdiction during the previous 10 years, in-
2 cluding information with respect to each such
3 individual regarding whether the individual has
4 the right to register to vote in the State and
5 whether the individual has exercised that right.

6 (B) The State shall inform each individual
7 engaged in plea bargaining with a State or local
8 prosecutor of the impact of any proposed plea
9 bargain on the individual's right to register to
10 vote and vote.

11 (C) The State shall inform each individual
12 convicted of a felony of the individual's eligi-
13 bility (or lack thereof) to register to vote and
14 vote upon conviction, upon release from the cus-
15 tody of the State or local government, and upon
16 the completion of any State or local supervision
17 of the individual required as part of the individ-
18 ual's sentence.

19 (D) The State shall carry out appropriate
20 activities to notify such individuals of their
21 right to register to vote and vote (in addition to
22 the information required to be provided under
23 subparagraph (C)), including providing infor-
24 mation through the media, the Internet, the
25 mails, and through cooperative agreements with

1 public or private entities providing services or
2 otherwise having contact with convicted felons.

3 (2) REPORT TO ATTORNEY GENERAL.—Each
4 State receiving a grant for a year under the program
5 under this Act shall submit a report to the Attorney
6 General not later than 30 days after the end of the
7 year describing the activities carried out under the
8 program described in this subsection, and shall in-
9 clude in the report the number and percentage of in-
10 dividuals subject to such program who have been di-
11 rectly informed of their right to register to vote (or
12 lack thereof).

13 (3) REDUCTION IN NUMBER OF FELONIES
14 CAUSING LOSS OF VOTING RIGHTS.—Each State re-
15 ceiving a grant under the program under this Act is
16 encouraged to reduce the number of felonies which
17 may result in the temporary or permanent dis-
18 enfranchisement of convicted felons.

19 (c) PROGRAM TO INCREASE VOTER REGISTRATION
20 RATES AMONG INDIVIDUALS CONVICTED OF FELO-
21 NIES.—

22 (1) REQUIREMENTS OF PROGRAM.—Each State
23 receiving a grant under the program under this Act
24 shall carry out a program to increase voter registra-
25 tion rates among individuals in the State convicted

1 of felonies using such methods as the State con-
2 sidered appropriate and effective, so long as the pro-
3 gram meets the following requirements:

4 (A) The program shall include the estab-
5 lishment and maintenance of an index of indi-
6 viduals convicted of felonies who are eligible to
7 register to vote in the State, including informa-
8 tion on the number of such individuals who are
9 registered to vote.

10 (B) Under the program, the State shall
11 carry out such activities as it considers appro-
12 priate to increase the voter registration rates of
13 individuals convicted of felonies, so long as the
14 rate at which such individuals are registered to
15 vote in the State increases by at least 50% dur-
16 ing the 5-year period which begins with the
17 first year for which a State receives a grant
18 under the program under this Act.

19 (C) Under the program, the State shall
20 carry out such activities as it considers appro-
21 priate to increase the rate at which individuals
22 convicted of felonies who are registered to vote
23 in the State actually vote in elections.

24 (2) ASSISTANCE OF PROVIDERS OF SERVICES.—

25 In carrying out the program required under this

1 subsection, the State shall seek to enter into cooper-
2 ative agreements with public and private entities
3 which provide services in the State to individuals
4 convicted of felonies and utilize information and
5 other assistance provided by such entities to meet
6 the requirements of this subsection.

7 (3) REPORT TO ATTORNEY GENERAL.—Each
8 State receiving a grant under the program under
9 this Act for a year shall submit a report to the At-
10 torney General not later than 30 days after the end
11 of the year describing the activities carried out
12 under the program described in this subsection, and
13 shall include in the report the number and percent-
14 age of individuals in the State convicted of felonies
15 who are registered to vote and who voted in the
16 most recent elections held in the State.

17 (d) TECHNICAL ASSISTANCE.—The Attorney General
18 shall provide technical assistance to States receiving
19 grants under the program under this Act to help the
20 States in carrying out the programs funded with the
21 grants.

22 (e) ANNUAL REPORT.—Not later than 30 days after
23 the end of each year for which grants are awarded under
24 the program under this Act, the Attorney General shall
25 submit a report to the Committees on the Judiciary of

1 the House of Representatives and Senate on the activities
2 carried out under the program, including the information
3 provided to the Attorney General by the States partici-
4 pating in the program.

5 (f) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated such sums as may be
7 necessary for grants under this section for each of the first
8 5 fiscal years which begin after the date of the enactment
9 of this Act.

10 **SEC. 5. RESPONSIBILITIES OF DEPARTMENT OF JUSTICE**
11 **REGARDING INDIVIDUALS CONVICTED OF**
12 **FEDERAL FELONIES.**

13 (a) INDEX OF INDIVIDUALS CONVICTED.—The Attor-
14 ney General, acting through the Director of the Bureau
15 of Prisons, shall establish and maintain an index of indi-
16 viduals convicted of felonies by the Federal Government
17 who are under the custody or supervision of the Federal
18 Government (including supervision through parole or pro-
19 bation), or who were released from the custody or super-
20 vision of the Federal Government during the previous 10
21 years.

22 (b) NOTICE REQUIREMENT.—The Attorney General
23 shall inform—

24 (1) each individual engaged in plea bargaining
25 with a Federal prosecutor of the impact of any pro-

1 posed plea bargain on the individual's right to reg-
2 ister to vote and vote; and

3 (2) each individual convicted of a felony of the
4 individual's right to register to vote and vote (or
5 lack thereof) upon conviction, upon release from the
6 custody of the Federal Government, and upon the
7 completion of any Federal or other supervision of
8 the individual required as part of the individual's
9 sentence.

10 (c) REPORT TO CONGRESS.—Not later than 30 days
11 after the end of each year, the Attorney General shall sub-
12 mit a report to the Committees on the Judiciary of the
13 House of Representatives and Senate describing the activi-
14 ties carried out pursuant to this section, and shall include
15 in the report the number and percentage of the individuals
16 described in this section who have been directly informed
17 by the Attorney General of their right to register to vote
18 and vote (or lack thereof).

19 **SEC. 6. DEFINITIONS.**

20 In this Act—

21 (1) the term “chief election official” means
22 (with respect to a State) the individual designated
23 by the State under section 10 of the National Voter
24 Registration Act of 1993 (42 U.S.C. 1973gg–8) to

1 be responsible for coordination of the State’s respon-
2 sibilities under such Act;

3 (2) the terms “election” and “Federal office”
4 have the meanings given such terms in section 301
5 of the Federal Election Campaign Act of 1971 (2
6 U.S.C. 431); and

7 (3) the term “State” means each of the several
8 States, the District of Columbia, Puerto Rico,
9 Guam, American Samoa, and the Virgin Islands.

10 **SEC. 7. RELATION TO OTHER LAWS.**

11 (a) NO EFFECT ON OTHER ELECTIONS.—Nothing in
12 this Act may be construed to affect the eligibility of any
13 individual to vote or register to vote in any election other
14 than an election for Federal office.

15 (b) NO EFFECT ON VOTING RIGHTS ACT AND NA-
16 TIONAL VOTER REGISTRATION ACT.—The rights and
17 remedies established by this Act shall be in addition to
18 any other rights and remedies provided by law. No provi-
19 sion of the Voting Rights Act of 1965 (42 U.S.C. 1973
20 et seq.) or the National Voter Registration Act of 1993
21 (42 U.S.C. 1973gg et seq.) shall be superseded, restricted,
22 or otherwise limited by the rights and remedies established
23 by this Act or any other provision of this Act.

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